



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,739	03/04/2002	Yuichi Matsumoto	03500.016250	2224
5514	7590	02/27/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			PENG, FRED H	
30 ROCKEFELLER PLAZA			ART UNIT	PAPER NUMBER
NEW YORK, NY 10112			2623	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/27/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/086,739	MATSUMOTO ET AL.
	Examiner Fred Peng	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12/05/06.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 and 13-30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11, 13-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 March 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>06/10/02</u> .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 and 13-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7, 11, 13, 19-23, 25, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Finseth et al (US 2005/0028207 A1).

Regarding Claims 1, 19 and 30, Finseth discloses a data receiving apparatus (FIG.1, 34A) with corresponding method and a computer storage medium storing a program (FIG.3, 78, Para 63 lines 1-8), connected with an external receiving apparatus (FIG.1, 34B, FIG.3, 82, Para 55 lines 16-20) for receiving a television broadcast signal of a broadcast program, said data receiving apparatus comprising:

receiving means (FIG.3, 64) for receiving a television broadcast signal of a broadcast program (Para 54 lines 1-3);

input means (FIG.3, 82, Para 55 lines 16-20) for inputting viewed program information about a broadcast program received by the external receiving apparatus (FIG.7, 138, Para 82 lines 1-5, Para 83 lines 1-4); and

profile generation means (FIG.3, 74) for generating a user profile of the common user of said data receiving apparatus and the external receiving apparatus based on (a) a view history of a broadcast program received by said receiving means and (b) a history of the viewed program information input by said input means (Para 83 lines 13-20, a user can combine the viewing program history from the other user with his own program viewing history).

Regarding Claims 2 and 20, Finseth further discloses searching means for searching for a desired program in the television broadcast signal received by said receiving means based on the user profile (FIG.6, 106, Para 77 lines 8-16).

Regarding Claims 3 and 21, Finseth further discloses picture generation means (FIG.3, 72) for generating a guidance picture based on a search result of said searching means; and display control means (FIG.3, 74) for outputting image data of the guidance picture generated by said picture generation means to a display device (Para 77 lines 13-22).

Regarding Claims 4 and 22, Finseth further discloses profile generation means detects a view time of a program associated with the viewed program information based on the viewed program information input by said input means, and generates the user profile based on the detected view time (Para 74 lines 3-6, the other user profiles information also include the program view time when the user receives it).

Regarding Claims 5 and 23, Finseth further discloses said profile generation means generates a user profile based on said the viewed program information when the view time is

longer than a predetermined time (Para 74 lines 9-12, only view time is longer than 30 sec is stored).

Regarding Claims 7 and 25, Finseth further discloses the external receiving apparatus can record and reproduce data of a received broadcast program on and from a storage medium (FIG.3, 68, 78, Para 70 lines 1-5, Para 71 lines 1-12), and

wherein said input means further inputs program information of data reproduced from said the storage medium as the viewed program information (Para 81 lines 15-16).

Regarding Claims 11 and 29, Finseth further discloses the external receiving apparatus can record data relating to a received broadcast program on a storage medium (FIG.3, 68),

wherein said input means further inputs recorded program information of the recorded data into the storage medium, and

wherein said profile generation means generates the user profile further based on the recorded program information input by said input means (Para 70 lines 1-5, Para 71 lines 1-3, the external receiver, the other user, stores the recorded information in the user profile and share with the user).

Regarding Claim 13, Finseth discloses a data receiving apparatus (FIG.1, 34A) connected with an external receiving apparatus for receiving a television broadcast signal of a broadcast program (FIG.1, 34B, FIG.3, 82, Para 55 lines 16-20), said data receiving apparatus comprising:

receiving means (FIG.3, 64) for receiving a television broadcast signal of a broadcast program; and

output means (FIG.3, 82, Para 55 lines 16-20) for outputting viewed program information of a broadcast program received by said receiving means to the external receiving apparatus (FIG.7, 136, Para 82 lines 1-5),

wherein the external receiving apparatus generates a user profile of the common user of said data receiving apparatus and the external receiving apparatus based on a view history of a broadcast program received by the external receiving apparatus and a history of the viewed program information output by said output means (Para 83 lines 13-20, a user can combine the viewing program history from the other user with his own program viewing history).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 14-16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Schlack et al (US 2002/0129368 A1).

Regarding Claims 6 and 24, Finseth discloses limitations in Claims 1, 13 and 19.

However, Finseth fails to teach input means further inputs information indicating power-off of the external receiving apparatus, and wherein said profile generation means further generates the user profile based on (a) the information indicating said the power-off and (b) the input viewed program information.

In an analogous art, Schlack teaches input means (FIG.2A, 212) further inputs information indicating power-off of the external receiving apparatus (FIG.2A, 220, FIG.2B, 290, Para 135 lines 1-7), and wherein said profile generation means (FIG.2A, 216) further generates the user profile (Para 126 lines 15-18) based on (a) the information indicating said the power-off (Para 135 lines 3-7) and (b) the input viewed program information (Para 135 lines 14-18).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include input means further inputs information indicating power-off of the external receiving apparatus, and wherein said profile generation means further generates the user profile based on (a) the information indicating said the power-off and (b) the input viewed program information as taught by Schlack to collect the viewer's watching habit for advertisement opportunities.

Regarding Claims 14, 15 and 16, Finseth discloses limitations in Claim 13.

However, Finseth fails to teach output means outputs the viewed program information to the external receiving apparatus in response to a change of a broadcast program received by said receiving means or power-on/off of said receiving apparatus.

In an analogous art, Schlack teaches output means outputs the viewed program information to the external receiving apparatus in response to a change of a broadcast program received by said receiving means (Para 126 lines 4-6) or power-on/off of said receiving apparatus (Para 135 lines 5-7, interactivity is the command which is received at FIG.2A, HE 210), wherein the external receiving apparatus further generates the user profile further based on the reception end information (FIG.2A, 216, Para 135 lines 3-7, Para 126 lines 10-14).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include output means outputs the viewed program information to the external receiving apparatus in response to a change of a broadcast program received by said receiving means or power-on/off of said receiving apparatus as taught by Schlack to collect the viewer's watching habit for advertisement opportunities.

6. Claims 8, 17-18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Ellis et al (US 2003/0149988 A1).

Regarding Claims 8 and 26, Finseth discloses limitations in Claims 1 and 19.

However, Finseth fails to teach the external receiving apparatus can further book recording a received broadcast program, wherein said input means further inputs booked program information of said the program for which recording is booked in the external receiving apparatus, and wherein said profile generation means generates the user profile further based on the booked program information input by said input means.

In an analogous art, Ellis teaches the external receiving apparatus (FIG.7, 29) can further book recording a received broadcast program (FIG.5, 110, 120), wherein said input means (FIG.7, 37, Communications device) further inputs booked program information of said the program for which recording is booked in the external receiving apparatus, and wherein said profile generation means generates the user profile further based on the booked program information input by said input means (Para 143 lines 1-15).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include the external receiving apparatus can further book recording a received broadcast program, wherein said input means further inputs booked program information of said the program for which recording is booked in the external receiving apparatus, and wherein said profile generation means generates the user profile further based on the booked program information input by said input means as taught by Ellis to track the viewer's favorite program list for promotion purpose.

Regarding Claims 17, Finseth discloses limitations in Claim 13, and further discloses recording and reproduction means for recording and reproducing data relating to a broadcast program received by said receiving means on and from a storage medium (FIG.3, 68).

However, Finseth fails to teach said output means outputs program information of data reproduced from said storage medium as the viewed program information.

In an analogous art, Ellis teaches said output means outputs program information of data reproduced from said storage medium as the viewed program information (FIG.7, 167, Para lines 18-20).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth's system to include said output means outputs program information of data reproduced from said storage medium as the viewed program information as taught by Ellis to track the viewer's viewing habits.

Regarding Claims 18, Ellis further discloses said recording and reproduction means (FIG.7, 29) can further book data of the broadcast program to be recorded on the storage medium (FIG.5, 110, 120), wherein said output means (FIG.7, 167) outputs booked program information of the program booked for recording and wherein the external receiving apparatus (FIG.7, 22) generates the user profile further based on the booked program information output by said output means can further book recording a received broadcast program (Para 143 lines 1-15).

7. Claims 9-10 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) and Ellis et al (US 2003/0149988 A1) as applied to claims 1, 8, 19 and 26 above, and further in view of Knee et al (US 2002/0095676 A1).

Regarding Claims 9 and 27, Finseth and Ellis teach limitations in Claims 1, 8, 19 and 26. However, Finseth and Ellis fail to teach said profile generation means varies a weight to the user profile between the viewed program information and the booked program information input by said input means respectively.

In an analogous art, Knee teaches said profile generation means varies a weight to the user profile between the viewed program information and the booked program information input by said input means respectively (Para 35 line 6-9, lines 14-20).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to combine the systems of Finseth and Ellis to include profile generation means varies a weight to the user profile between the viewed program information and the

Art Unit: 2623

booked program information input by said input means respectively as taught by Knee to differentiate the importance of viewing habits through the weighting system.

Regarding Claims 10 and 28, Knee further teaches said input means further inputs recording end information of the booked program, and wherein said profile generation means generates the user profile further based on the recording end information input by said means (Para 35 lines 6-9, 14-20).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

Chris Grant
Supervisory Patent Examiner



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600